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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,186	03/24/2004	Masaki Kinoshita	250838US-2CONT	2532
22850	7590	02/15/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				KIM, RICHARD H
		ART UNIT		PAPER NUMBER
		2871		

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/807,186	KINOSHITA ET AL.
Examiner	Art Unit	
Richard H. Kim	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 03 February 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-5,7,8 and 20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1,2,4,5,7,8 and 20 is/are rejected.

7)  Claim(s) 3 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/3/06 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 5, 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gessel (US 5,396,351) in view of Ando et al. (US 6,356,330 B1).

Gessel discloses a device comprising an optical material (16) between a pair of substrates (20, 12), a plurality of display pixel sections (212), and a spacer disposed between the pair of substrates, the spacer being fixed on at least one of the substrates, wherein each of the substrates has a glass substrate (col. 3, lines 29-30), and a film that is attached to an outer surface of the glass substrate and has a thickness greater than a thickness of the glass substrate, at least one of the films is formed of a polarizer plate, and each of the glass substrate is formed to have a

thickness that permits bending of the display apparatus (col. 3, lines 22-33). A glass sheet of 1.1 mm thick, as disclosed in column 3, line 23, would allow bending of at least a minimal degree before shattering. However, the reference does not disclose a spacer disposed between the pair of substrates, the spacer

Ando et al. discloses a device including a spacer disposed between a pair of substrates, the spacer being fixed on at last one of the substrates (Fig. 3, ref. 301).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ spacers disposed between the pair of substrates, the spacer being fixed on at least one of the substrates since one would be motivated to improve the cell gap (col. 5, line 34).

Referring to claim 4, Gessel discloses that the device wherein the optical material is a liquid crystal composition (col. 1, lines 19).

Referring to claim 5, Gessel and Ando et al. disclose the device previously recited, but fails to disclose the device wherein the optical material is an EL material.

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the optical material to be an EL material since using an EL material as opposed to a liquid crystal material would be functionally equivalent to create a display.

Referring to claim 7, Gessel discloses the device wherein each of the pixel section includes a TFT (thin film transistor) and a pixel electrode, which are formed on one of the glass substrate (col. 3, lines 50-51).

Referring to claim 20, Gessel discloses the device comprising a display panel configured to hold a liquid crystal layer between an array substrate and a counter substrate (12, 20);

backlight unit (8) that illuminates the display panel; wherein the array substrate includes a first light transmissive insulation substrate (12); a signal line and a scan line (34,36) that are disposed to be substantially perpendicular to each other on one of the major surface of the first light-transmissive insulation substrate; a switch element (32) disposed near an intersection of the signal line and the scan line; and a pixel electrode (30) connected to the switch element, wherein the counter substrate includes a second light-transmissive insulation substrate (20); and a counter electrode (18) disposed on one of major surfaces of the second light-transmissive insulation substrate so as to face the pixel electrode, and wherein the polarizer plates are disposed respectively on the other major surface of the first light-transmissive insulation-substrate and the second light-transmissive insulation substrate, the polarizer plates having thicknesses greater than those of the first light-transmissive insulation substrate and the second light-transmissive insulation substrate (col. 3, lines 15-33).

However, the reference does not disclose a spacer disposed between the pair of substrates, the spacer

Ando et al. discloses a device including a spacer disposed between a pair of substrates, the spacer being fixed on at last one of the substrates (Fig. 3, ref. 301).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ spacers disposed between the pair of substrates, the spacer being fixed on at least one of the substrates since one would be motivated to improve the cell gap (col. 5, line 34).

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3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gessel and Ando, in view of Mizobata et al. (US 6,473,140 B1).

Gessel and Ando disclose the device previously recited, but fails to disclose the device wherein each of the glass substrate is 0.15 mm or less.

Mizobata et al. discloses the device wherein each of the glass substrate is 0.15 mm or less (col. 2, lines 30-31).

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the glass substrates to be 0.15 mm or less since one would be motivated to remove parallax (col. 2, lines 31-32).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gessel and Ando in view of Yamauchi et al. (US 6,512,504 B1).

Kamoi et al., Hanata et al. and Ando et al. disclose the device previously recited, but fails to disclose that the TFT includes a p-Si film.

Yamauchi et al. discloses a device wherein the TFT includes a p-Si film (col. 1, lines 17-27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made for the TFT to include a p-Si film since one would be motivated to operate at high speeds since they have high field effect mobility (col. 1, lines 17-27).

***Allowable Subject Matter***

5. Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record, fails to teach or disclose in light of the specifications, the device wherein the apparatus is formed to be bendable with a radius of curvature of 200 mm or less.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard H. Kim whose telephone number is (571)272-2294. The examiner can normally be reached on 9:00-6:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on (571)272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Richard H Kim  
Examiner  
Art Unit 2871

RHK

*Andrew Schechter*  
**ANDREW SCHECHTER**  
**PRIMARY EXAMINER**